

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-580

June 18, 2003

PUBLIC UTILITIES COMMISSION
Amendments to Information Disclosure
Rule (Chapter 306)

ORDER ADOPTING
FINAL RULE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order, we adopt a final rule that amends Chapter 306 – Uniform Information Disclosure and Informational Filing Requirements.

On February 13, 2003, the Commission provisionally adopted amendments to Chapter 306 that would incorporate electricity attribute certificates as the means for determining and verifying the resource mix and emission characteristics contained on disclosure labels. The provisional rule also contained other amendments intended primarily to simplify the application of the rule. Because rules governing disclosure requirements are denominated as “major substantive” by 35-A M.R.S.A. § 3203(3), they require legislative approval under 5 M.R.S.A. §§ 8071-8074. In compliance with these provisions, the Commission submitted the provisionally adopted rules to the Legislature for its approval.

On May 23, 2003, Resolves 2003, Chapter 46 became effective. The Resolve authorized the final adoption of the rule if modified so that specified resources are included on the disclosure label even if not contained in the competitive electricity provider’s actual fuel mix. The appropriate change has been made to Section 2(B)(4) of the rule and to the sample label attached to this rule.

Accordingly, we

O R D E R

1. That the attached amendments to Chapter 306, Uniform Information Disclosure and Informational Filing Requirements, are hereby finally adopted;
2. That the Administrative Director shall file the final adopted amendments and related materials with the Secretary of State;
3. That the Administrative Director shall notify the following of the adoption of the final rule:
 - a. All electric utilities in the State;

- b. All persons who have filed with the Commission within the past year a written request for Notice of Rulemaking;

- c. All licensed competitive electricity providers;

- d. All commenters in *Inquiry into Modifications of Portfolio Requirement and Disclosure Rules*, Docket No. 2002-300.

- e. All person listed on the service list or filed comments in this Rulemaking, Docket No. 2002-580; and

4. That the Administrative Director shall send copies of this Order and the attached final rule to the Executive Director of the Legislative Council, 115 State House Station, Augusta, Maine 04333-0115 (20 copies).

Dated at Augusta, Maine, this 18th day of June, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.